

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2020 DEC 10 P 4:18

ROY MANDELL SMITH,

Plaintiff,

v.

CV 320-066

JERMAINE WHITE, Warden; JACOB
BEASLEY, Deputy Warden of Security;
JANICE VICKERS, Counselor; MS. FNU
HUNT, Unit Manager; MS. FNU WRIGHT,
Correctional Officer; and MS. FNU WHITE,
Sergeant,

Defendants.

CLERK J. Hodge
SO. DIST. OF GA.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 13.) The Magistrate Judge recommended dismissing this case without prejudice as a sanction for Plaintiff providing dishonest information about his filing history. (See doc. no. 9.) In his objections, Plaintiff asserts Defendant Beasley removed from the Complaint a separate document disclosing Plaintiff's filing history as an act of sabotage. (Doc. no. 13, p. 2.) In support, Plaintiff attaches the purported missing sheet as Exhibit A and his inmate request for indigent postage as Exhibit B. (Id. at 3-5.)

The Court is not convinced. The Complaint is consecutively numbered pages one through ten with no missing pages, and it does not reference inclusion of an additional page

for a complete listing of Plaintiff's filing history. (See doc. no. 1.) Exhibit B to the objections bears a date subsequent to the Complaint filing, and it references mailings to other addressees but nothing to the Court. (Doc. no. 13, pp. 4-5.)

As the case law cited in the R&R makes clear, failing to disclose prior filing history will not be tolerated, and the Eleventh Circuit has repeatedly approved of dismissing a case without prejudice as a sanction. (See doc. no. 9, pp. 3-4.) Should Plaintiff decide that he wants to pursue his claims in the future, nothing in this Order adopting the recommendation for dismissal imposes any additional restrictions on Plaintiff's future filing activities beyond those already in place for any prisoner filing a new case in federal court.

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 10th day of December, 2020, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE